REMARKS

This amendment is responsive to the Office Action dated March 7, 2005. Applicant has amended claims 1, 2, 7, 10, 18, 21-23, 26, 29-31, 35, 37, 38, 41-45, 52, 55-57, 60, 63-65, 69, 72, 78, 81-83, 86, 89-91, 94-103, 112, 114-120, 123-125, 128, 131-133. Claims 1-136 are pending.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-138 under 35 U.S.C. § 103(a) as being unpatentable over Fanning et al. (U.S. Pat. No. 6,742,023) (Fanning) in view of Schuster et al. (U.S. Pat. No. 6,771,674) (Schuster). Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

In general, Applicant has amended claim 1 to require sending a request for data from a requesting computer to a targeted computer system and, in response, accessing a look-up list at the targeted computer system to identify other computers that have previously requested and received at least a portion of the requested data. Claim 1 further requires sending requests to the identified computers, encoding at least a portion of the data at the identified computers, and sending the encoded data from the one or more other computers to a requesting computer. In addition, claim 1 requires receiving different portions of the encoded data from at least two of the sending computers, decoding the received encoded data, and saving the decoded data in memory. In this manner, claim 1 is directed to a method in which a set of peer computers that have previously downloaded data is utilized to transfer at least portions of the data to a requesting computer that subsequently requests the data. Consequently, with respect to Applicant's claim 1, all of the data need not be received from the same sending peer computer.

In contrast, Fanning describes a data file transfer server that makes available all data files located in a data file repository for download by users. According to Fanning, files obtained by a distribution application by a client device are initially stored in a data file repository at that device immediately after being downloaded, making the downloaded data files available to other distribution applications. (col. 5, ll. 60-64). According to Fanning, an inventory module on the

device that downloaded the file creates a file descriptor for use in making the new file available to other distribution applications (col. 6, ll. 8-10). Fanning makes clear that file transfer client on a peer computer can contact a file transfer client on another peer computer and download a file from that same peer computer. Thus, in part, Fanning describes a conventional peer-to-peer system in which a requesting peer may request and download a file from a different peer computer.

Schuster et al. is unrelated to peer-to-peer networks and fails to overcome the deficiencies of Fanning. Schuster makes reference to the use of forward error correction (FEC) when transferring voice data from a source (e.g., a network telephony device) to a destination (e.g., a second network telephony device) via one or more packet streams.

Consequently, Fanning in view of Schuster fails to teach or suggest sending requests to a plurality of identified computers that have previously requested and received at least a portion of the requested data. Further, Fanning in view of Schuster fails to teach or suggest encoding and sending previously downloaded data from the identified computers to the requesting computer, receiving different partial portions of the encoded data from at least two of the sending computers, and decoding the received encoded data from the different partial portions. In contrast, Fanning specifically describes a peer computer downloading a file, and that a different peer computer may request and download that file from the peer computer. For example, the flowchart of FIG. 4 of Fanning illustrates the Fanning system sharing files from a single source peer to a single destination peer when requested. Schuster describes the use of forward error correction for individual TCP/IP sessions between telephony devices. Fanning in view of Schuster fail to teach or suggest the elements of claim 1.

For these or other similar reasons, the cited references fail to establish a prima facie case for non-patentability of Applicant's claims 1-136 under 35 U.S.C. § 103(a) as amended. Withdrawal of these rejections is requested.
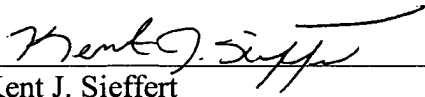
CONCLUSION

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

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